

A M E N D E D
**APPLICATION FOR PERMIT
 TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF
 NEVADA**

NO. 64969

Date of filing in State Engineer's Office MAR 18 1999

Returned to applicant for correction _____

Corrected application filed APR 02 1999

Map filed APR 02 1999 under 64968

The applicant Holland Livestock Ranch, A Nevada General Partnership, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is Rush Creek
2. The amount of water applied for is 40 cfs, not to exceed 1600 acre-feet annually
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for irrigation purposes
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated 400 acres
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks")
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point SE 1/4 SE 1/4, Section 7, T.31N., R.18E., M.D.B.&M., or at a point from which the NE Corner of Section 6, said township & range, bears N. 0° 14' 46" W., a distance of 9,779.97 ft. (Note: Section 7 is an irregular section, hence the bearing to the corner being given as north and west.).
6. Place of Use Please refer to Attachment "A"
7. Use will begin about January 1 and end about December 31, of each year.
8. Description of proposed works Existing series of diversion ditches from Rush Creek
9. Estimated cost of works Completed
10. Estimated time required to construct works Completed
11. Estimated time required to complete the application of water to beneficial use Five (5) years
12. Remarks: Portions of the lands being irrigated by this appropriation were originally irrigated under a vested right from 1870. A Proof of Appropriation is being filed for the waters of Rush Creek. This appropriation is being filed in order to account for additional lands

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cultivated since the original claim. Some of the lands within the proposed place of use are also irrigated by Smoke Creek.

Gregory M. Bilyeu
By s/Gregory M. Bilyeu
P.O. Box 70458
Reno, Nevada 89570-0458

Compared gkl/cms lb/cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Vested Claims 09063, 09064, 09083 and 09084 and Permits 64968, 64969, 65077 and 65078 shall not exceed 6332.0 acre-feet annually.

This permit is issued for the irrigation of 1583 acres within the described place of use within the State of Nevada.

This permit is issued for the irrigation of 400 acres within the described place of use.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 22.0 cubic feet per second, but not to exceed 1600 acre-feet annually, and not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Work must be prosecuted with reasonable diligence and be completed on or before:

January 13, 2005

Proof of completion of work shall be filed before:

February 13, 2005

Water must be placed to beneficial use on or before:

January 13, 2009

Proof of the application of water to beneficial use shall be filed on or before:

February 13, 2009

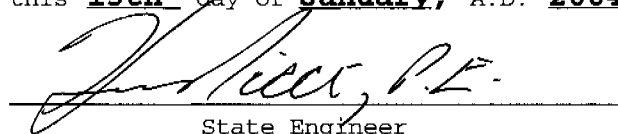
Map in support of proof of beneficial use shall be filed on or before:

February 13, 2009

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 13th day of January, A.D. 2004


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

Attachment "A"**6. Place of Use**

Section 7, T.31N, R.18E., M.D.B. & M.
Portions of the SE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 8, T. 31N., R.18E., M.D.B. & M.
Portions of the SE $\frac{1}{4}$
Portions of the SW $\frac{1}{4}$
Portions of the SW $\frac{1}{4}$ NE $\frac{1}{4}$
Portions of the NW $\frac{1}{4}$

Section 9, T. 31N., R.18E., M.D.B. & M.
Portions of the SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 15, T. 31N., R.18E., M.D.B. & M.
Portions of the E $\frac{1}{2}$ SW $\frac{1}{4}$
Portions of the NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 16, T. 31N., R.18E., M.D.B. & M.
Portions of the NE $\frac{1}{4}$ SE $\frac{1}{4}$
Portions of the S $\frac{1}{2}$ NE $\frac{1}{4}$
Portions of the S $\frac{1}{2}$ NW $\frac{1}{4}$
Portions of the NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 17, T. 31N., R.18E., M.D.B. & M.
Portions of the E $\frac{1}{2}$ NE $\frac{1}{4}$
Portions of the NW $\frac{1}{4}$ NE $\frac{1}{4}$

Place of use is limited to 400 acres within the above described subdivisions.